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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No. 09/469,007	Applicant(s) LINEHAN, MARK H.
	Examiner Matthew R Demicco	Art Unit 2697

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02/06/2003</u> .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-57</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-57</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 December 1999</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1.   A substitute specification including the claims is required pursuant to 37 CFR 1.125(a)

because section 608.01 of the MPEP states that each sheet, other than the drawings, must include

a top margin of at least 2.0 cm. (3/4 inch), a left side margin of at least 2.5 cm. (1 inch), a right

side margin of at least 2.0 cm. (3/4 inch), and a bottom margin of at least 2.0cm. (3/4 inch).

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter

from the original specification and any previously entered amendment under 37 CFR 1.121. If

the substitute specification contains additional subject matter not of record, the substitute

specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement

that the substitute specification contains no new matter; and 2) a marked-up copy showing the

amendments to be made via the substitute specification relative to the specification at the time

the substitute specification is filed.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claims 8, 27, and 46 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claims 8, 27, and 46 recite the limitation "said acquiring

bank" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-4, 6-9, 11-17, 19-23, 25-28, 30-36, 38-42, 44-47, 49-55, and 57 are rejected

under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,878,141 to Daly et al. in

view of U.S. Patent No 6,029,141 to Bezos et al.

Regarding Claim 1, Daly discloses a computer program product for enabling

television-based (Col. 6, Lines 39-44) commerce for generating revenue streams. The

product is a software program (Col. 7, Lines 40-42) that is readable by a computer system

(Col. 6, Lines 37-55) in an interactive television environment (Col. 9, Lines 8-10)

connected to a computer network (Col. 6, Lines 56-59). This reads on a computer

readable media readable by one or more computer systems. Daly further discloses

computer-readable program code means for a consumer initiating a purchase via the TV

commerce system (Col. 7, Lines 1-47). What is not disclosed, however, is computer

readable program code with means for gathering context information related to the

purchase and including the context information in a payment message corresponding to

the purchase. Bezos discloses computer-readable networked-based commerce software

where additional context information is gathered and included in a payment message

corresponding to a purchase (Col. 7, Lines 20-45). Bezos is evidence that ordinary

workers in the art would recognize the benefit of collecting and transmitting context

information in an electronic commerce system. Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to combine the

computer program product for enabling TV-based commerce of Daly with the embedded

context information of Bezos in order to track, record, and process data regarding the

nature and origin of an online purchase.

Regarding Claim 2, Daly in view of Bezos discloses a computer program product

as stated above in Claim 1. Daly discloses computer readable program code means for

sending a purchase request for a consumer purchase to a computer in the interactive

environment (Col. 7, Lines 1-46). Further, the transaction processing unit computer

receives the request. Bezos discloses program code means for forwarding a purchase

request from the receiving computer (Associate Web Site) to a merchant connected to the

interactive environment (See Figure 1). Bezos further discloses a system wherein a

payment initiation message (See Figure 9) is sent for the purchase request as stated

above. The consumer receives the payment initiation message that is augmented with the

embedded context information (See Figure 8). Daly discloses computer code for

forwarding the payment message to an issuing bank to check for sufficient funds. The

issuing bank receives the request and checks the credit limit of the consumer and

generates an authorization or failure notice that is sent back to the merchant. The

merchant receives this notice and then decides whether or not the transaction is

authorized (Col. 13, Lines 22-45). This reads on the claimed code for forwarding

payment message to an issuing bank, receiving the message at the bank, and creating an

authorization token for said purchase. The authorization message is then forwarded to the

user along with the context information as stated above and they are given one final

opportunity to cancel the purchase (Col. 13, Lines 35-37). This reads on forwarding the

authorization token and context information to the consumer. Daly further discloses that

upon acceptance of the transaction by the user, a digitally signed authorization request is

sent from the user and received by the merchant (Col. 13, Lines 40-45). This reads on

computer-readable program code means for forwarding the sent authorization token and

context information from the consumer to the merchant and receiving the token at the

merchant. Daly discloses completion of the purchase by authorizing a withdrawal from

the subscriber account and a deposit into the merchant account (Cols. 13-14, Lines 65-3).

This reads on the claimed sending a capture request and authorization token, which

includes the context information at stated above, from the merchant to the bank in

response to the received authorization token. The system of Daly discloses the

withdrawal of funds based on the acceptance of a transfer as stated above. It is inherent in

such a system that the bank would have means for receiving the request and charging the

consumer's account accordingly. This reads on the claimed code means for receiving the

capture request and charging the consumer's account for the purchase.

Regarding Claim 3, Daly discloses a product as stated above that performs an

authorization check prior to a purchase. Upon completion of the authorization check, the

user is presented with a final opportunity to buy or cancel the purchase. On this screen,

context information is included as shown in Figure 5. Therefore, this information must be

included as part of the authorization token sent to the user.

Regarding Claim 4, Daly discloses a system as stated above that implements a computer-readable code means for invoking a "wallet" for selecting different forms of payment available to a user (Col. 8, Lines 13-20) upon receipt of a payment initiation message. The wallet initiation message is augmented with TV context information as shown in Figure 5. Means for logging into the wallet are provided (Col. 8, Lines 62-67) to create log-on data. The log-on data is subsequently used in the payment message forwarded to the bank (Col. 9, Lines 5-7).

Regarding Claim 6, Daly in view of Bezos discloses a product as stated above in Claim 1. Further, Bezos discloses a means for using the included content information to allocate a portion of the payment represented to one or more vendors (Col. 13, Lines 1-8). In this embodiment, the vendors are content providers or websites that provide links to various merchants' goods. It would have been obvious to one skilled in the art at the time the invention was made, however, to further modify the invention of Daly in view of Bezos to do the same for TV program content as is done with web content in order to enhance TV advertisement with commission-based vendor links.

Regarding Claim 7, Bezos discloses a product as stated above in Claim 6 wherein the program uses the included context information for extracting the identification of the content originators (Col. 12, Lines 52-63) and allocating a predetermined percentage of the payment to the content originators (Col. 13, Lines 1-8).

Regarding Claim 8, as best understood by the Examiner, Bezos discloses a product wherein included context information is sent to the content originators (Col. 16, Lines 11-19 and Appendix B) from the merchant site. Additionally, the bank receiving

the vendor's funds will receive among other things, the name and account information of

the purchaser, which are elements of the context information. It is inherent in such a

system that this information will be sent to the content originators in the form of a

statement or payment notification.

Regarding Claim 9, Daly discloses a product as stated above in Claim 2 wherein

digital shared-key certificates are used to authenticate consumer transactions by signing

payment messages and verifying these signed messages (Col. 16, Lines 21-32).

Regarding Claim 11, Daly in view of Bezos discloses a computer program

product as stated above in Claim 1. Daly discloses computer readable program code

means for sending a purchase request for a consumer purchase to a computer in the

interactive environment (Col. 7, Lines 1-46). Further, the transaction processing unit

computer receives the request. Bezos discloses program code means for forwarding a

purchase request from the receiving computer (Associate Web Site) to a merchant

connected to the interactive environment (See Figure 1). Bezos further discloses a system

wherein a payment initiation message (See Figure 8) is sent for the purchase request as

stated above. The consumer receives the payment initiation message that is augmented

with the embedded context information (See Figure 8). The payment message is returned

to the merchant when the user decides to purchase the product (See Figure 9). Daly

further discloses forwarding the payment message from the merchant to a bank in order

to check available account balances (Col. 13, Lines 21-34). The consumer's account is

charged (Cols. 13-14, Lines 66-3) based on their acceptance of the payment message

(Col. 13, Lines 39-45) and the merchant's account is credited.

Regarding Claim 12, Daly discloses a system as stated above that implements a computer-readable code means for invoking a "wallet" for selecting different forms of payment available to a user (Col. 8, Lines 13-20) upon receipt of a payment initiation message. The wallet initiation message is augmented with TV context information as shown in Figure 5. Means for logging into the wallet are provided (Col. 8, Lines 62-67) to create log-on data. The log-on data is subsequently used in the payment message forwarded to the merchant (Col. 12, Lines 12-27).

Regarding Claim 13, Daly discloses a system wherein the payment initiation message sent to the consumer from the merchant is digitally signed using a certificate that is verified by the customer (Col. 14, Lines 10-25).

Regarding Claim 14, Daly in view of Bezos discloses a product as stated above in Claim 11. Further, Bezos discloses a means for using the included content information to allocate a portion of a payment represented to one or more vendors (Col. 13, Lines 1-8). In this embodiment, the vendors are content providers or websites that provide links to various merchants' goods. It would have been obvious to one skilled in the art at the time the invention was made to further modify the commerce system of Daly in view of Bezos to do the same for TV program content as is done with web content in order to enhance TV advertisement with commission-based vendor links.

Regarding Claim 15, Bezos discloses a product as stated above in Claim 14 wherein the program uses the included context information for extracting the identification of the content originators (Col. 12, Lines 52-63) and allocating a predetermined percentage of the payment to the content originators (Col. 13, Lines 1-8).

Regarding Claim 16, Bezos discloses a product wherein the included context information is sent to the content originators (Col. 16, Lines 11-19 and Appendix B) from the merchant site. Additionally, the bank receiving the vendor's funds will receive among other things, the name and account information of the purchaser, which are elements of the context information. It is inherent in such a system that this information will be sent to the content originators in the form of a statement or payment notification.

Regarding Claim 17, Daly discloses a product as stated above in Claim 11 wherein shared-key digital certificates are used to authenticate consumer transactions by signing payment messages and verifying these signed messages (Col. 16, Lines 21-32).

Regarding Claim 19, Daly in view of Bezos discloses a system as stated above in Claim 1 with program code means for initiating a payment transaction by the consumer, gathering context information, and including the gathered TV context in a payment transaction message (See Daly Figure 5 and Bezos Figure 9).

Regarding Claim 20, Daly discloses a system for enabling television-based (Col. 6, Lines 39-44) commerce for generating revenue streams in an interactive television environment (Col. 9, Lines 8-10) connected to a computer network (Col. 6, Lines 56-59). Daly further discloses means for a consumer initiating a purchase via the TV commerce system (Col. 7, Lines 1-47). What is not disclosed, however, is a means for gathering TV context information related to the purchase and including the context information in a payment message corresponding to the purchase. Bezos discloses networked-based commerce system where additional context information is gathered and included in a payment message corresponding to a purchase (Col. 7, Lines 20-45). Bezos is evidence

that ordinary workers in the art would recognize the benefit of collecting and transmitting

context information in an electronic commerce system. Therefore, it would have been

obvious to one having ordinary skill in the art at the time the invention was made to

combine the system for enabling TV-based commerce of Daly with the embedded context

information of Bezos in order to track, record, and process data regarding the nature and

origin of an online purchase.

Regarding Claim 21, Daly in view of Bezos discloses a system as stated above in

Claim 20. Daly discloses a system with means for sending a purchase request for a

consumer purchase to a computer in the interactive environment (Col. 7, Lines 1-46).

Further, the transaction-processing unit receives the request. Bezos discloses forwarding

a purchase request from the receiving computer (Associate Web Site) to a receiving

merchant computer connected to the interactive environment (See Figure 1). Bezos

further discloses a system wherein a payment initiation message (See Figure 9) is sent for

the purchase request as stated above. The consumer receives the payment initiation

message that is augmented with the embedded context information (See Figure 8). Daly

discloses forwarding the payment message to an issuing bank to check for sufficient

funds. The bank receives the request and which checks the credit limit of the consumer

and generates an authorization or failure notice which is sent back to the merchant. The

merchant receives this notice and then decides whether or not the transaction is

authorized (Col. 13, Lines 22-45). This reads on the claimed forwarding payment

message to an issuing bank, receiving the message at the bank, and creating an

authorization token for said purchase. The authorization message is then forwarded to the

user along with the context information as stated above and they are given one final opportunity to cancel the purchase (Col. 13, Lines 35-37). This reads on forwarding the authorization token and context information to the consumer. Daly further discloses that upon acceptance of the transaction by the user, a digitally signed authorization request is sent from the user and received by the merchant (Col. 13, Lines 40-45). This reads on means for forwarding and receiving the sent authorization token and context information from the consumer to the merchant and receiving the token at the merchant. Daly discloses completion of the purchase by authorizing a withdrawal from the subscriber account and a deposit into the merchant account (Cols. 13-14, Lines 65-3). This reads on the claimed sending and receiving a capture request and authorization token, which includes the context information at stated above, from the merchant to the bank in response to the received authorization token. The system of Daly discloses the withdrawal of funds based on the acceptance of a transfer as stated above. This reads on the claimed means for receiving the capture request and authorization token and charging the consumer's account for the purchase.

Regarding Claim 22, Daly discloses a system as stated above that performs an authorization check prior to a purchase. Upon completion of the authorization check, the user is presented with a final opportunity to buy or cancel the purchase. On this screen, context information is included as shown in Figure 5. Therefore, this information must be included as part of the authorization token sent to the user.

Regarding Claim 23, Daly discloses a system as stated above with means for invoking a "wallet" for selecting different forms of payment available to a user (Col. 8,

Lines 13-20) upon receipt of a payment initiation message. The wallet initiation message is augmented with TV context information as shown in Figure 5. Means for logging into the wallet are provided (Col. 8, Lines 62-67) to create log-on data. The log-on data is subsequently used in the payment message forwarded to the bank (Col. 9, Lines 5-7).

Regarding Claim 25, Daly in view of Bezos discloses a system as stated above in Claim 20. Further, Bezos discloses a means for using the included content information to allocate a portion of the payment represented to one or more vendors (Col. 13, Lines 1-8). In this embodiment, the vendors are content providers or websites that provide links to various merchants' goods. It would have been obvious to one skilled in the art at the time the invention was made to further modify the invention of Daly in view of Bezos to do the same for TV program content as is done with web content in order to enhance TV advertisement with commission-based vendor links.

Regarding Claim 26, Bezos discloses a system as stated above in Claim 25 that uses the included context information for extracting the identification of the content originators (Col. 12, Lines 52-63) and allocating a predetermined percentage of the payment to the content originators (Col. 13, Lines 1-8).

Regarding Claim 27, as best understood by the Examiner, Bezos discloses a system wherein the included context information is sent to the content originators (Col. 16, Lines 11-19 and Appendix B) from the merchant site. Additionally, the bank receiving the vendor's funds will receive among other things, the name and account information of the purchaser, which are elements of the context information. It is inherent

in such a system that this information will be sent to the content originators in the form of a statement or payment notification.

Regarding Claim 28, Daly discloses a system as stated above in Claim 21 wherein shared-key digital certificates are used to authenticate consumer transactions by signing payment messages and verifying these signed messages (Col. 16, Lines 21-32).

Regarding Claim 30, Daly in view of Bezos discloses a system as stated above in Claim 20. Daly discloses means for sending a purchase request for a consumer purchase to a computer in the interactive environment (Col. 7, Lines 1-46). Further, the transaction processing unit computer receives the request. Bezos discloses means for forwarding a purchase request from the receiving computer (Associate Web Site) to a merchant connected to the interactive environment (See Figure 1). Bezos further discloses a system wherein a payment initiation message (See Figure 8) is sent for the purchase request as stated above. The consumer receives the payment initiation message that is augmented with the embedded context information (See Figure 8). The payment message is returned to the merchant when the user decides to purchase the product (See Figure 9). Daly further discloses forwarding the payment message from the merchant to a bank in order to check available account balances (Col. 13, Lines 21-34). The consumer's account is charged (Cols. 13-14, Lines 66-3) based on their acceptance of the payment message (Col. 13, Lines 39-45) and the merchant's account is credited.

Regarding Claim 31, Daly discloses a system as stated above that implements a means for invoking a "wallet" for selecting different forms of payment available to a user (Col. 8, Lines 13-20) upon receipt of a payment initiation message. The wallet initiation

message is augmented with TV context information as show in Figure 5. Means for logging into the wallet are provided (Col. 8, Lines 62-67) to create log-on data. The log-on data is subsequently used in the payment message forwarded to the merchant (Col. 12, Lines 12-27).

Regarding Claim 32, Daly discloses a system wherein the payment initiation message sent to the consumer from the merchant is digitally signed using a digital certificate that is verified by the customer (Col. 14, Lines 10-25).

Regarding Claim 33, Daly in view of Bezos discloses a system as stated above in Claim 30. Further, Bezos discloses a means for using the included content information to allocate a portion of a payment represented to one or more vendors (Col. 13, Lines 1-8). In this embodiment, the vendors are content providers or websites that provide links to various merchants' goods. It would have been obvious to one skilled in the art at the time the invention was made to further modify the invention of Daly in view of Bezos to do the same for TV program content as is done with web content in order to enhance TV advertisement with commission-based vendor links.

Regarding Claim 34, Bezos discloses a system as stated above in Claim 33 wherein the included context information is used for extracting the identification of the content originators (Col. 12, Lines 52-63) and allocating a predetermined percentage of the payment to the content originators (Col. 13, Lines 1-8).

Regarding Claim 35, Bezos discloses a system wherein included context information is sent to the content originators (Col. 16, Lines 11-19 and Appendix B) from the merchant site. Additionally, the bank receiving the vendor's funds will receive among

other things, the name and account information of the purchaser, which are elements of the context information. It is inherent in such a system that this information will be sent to the content originators in the form of a statement or payment notification.

Regarding Claim 36, Daly discloses a system as stated above in Claim 30 wherein shared-key digital certificates are used to authenticate consumer transactions by signing payment messages and verifying these signed messages (Col. 16, Lines 21-32).

Regarding Claim 38, Daly in view of Bezos discloses a system as stated above in Claim 20 with means for initiating a payment transaction by the consumer, gathering context information, and including the gathered TV context in a payment transaction message (See Daly Figure 5 and Bezos Figure 9).

Regarding Claim 39, Daly discloses a method for enabling television-based (Col. 6, Lines 39-44) commerce for generating revenue streams in an interactive television environment (Col. 9, Lines 8-10) connected to a computer network (Col. 6, Lines 56-59). Daly further discloses means for a consumer initiating a purchase via the TV commerce system (Col. 7, Lines 1-47). What is not disclosed, however, is a means for gathering TV context information related to the purchase and including the context information in a payment message corresponding to the purchase. Bezos discloses networked-based commerce method where additional context information is gathered and included in a payment message corresponding to a purchase (Col. 7, Lines 20-45). Bezos is evidence that ordinary workers in the art would recognize the benefit of collecting and transmitting context information in an electronic commerce method. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

combine the method for enabling TV-based commerce of Daly with the embedded

context information of Bezos in order to track, record, and process data regarding the

nature and origin of an online purchase.

Regarding Claim 40, Daly in view of Bezos discloses a method as stated above in

Claim 39. Daly discloses a method with means for sending a purchase request for a

consumer purchase to a computer in the interactive environment (Col. 7, Lines 1-46).

Further, the transaction-processing unit receives the request. Bezos discloses forwarding

a purchase request from the receiving computer (Associate Web Site) to a receiving

merchant computer connected to the interactive environment (See Figure 1). Bezos

further discloses a method wherein a payment initiation message (See Figure 9) is sent

for the purchase request as stated above. The consumer receives the payment initiation

message that is augmented with the embedded context information (See Figure 8). Daly

discloses forwarding the payment message to an issuing bank to check for sufficient

funds. The bank receives the request and which checks the credit limit of the consumer

and generates an authorization or failure notice which is sent back to the merchant. The

merchant receives this notice and then decides whether or not the transaction is

authorized (Col. 13, Lines 22-45). This reads on the claimed forwarding payment

message to an issuing bank, receiving the message at the bank, and creating an

authorization token for said purchase. The authorization message is then forwarded to the

user along with the context information as stated above and they are given one final

opportunity to cancel the purchase (Col. 13, Lines 35-37). This reads on forwarding the

authorization token and context information to the consumer. Daly further discloses that

upon acceptance of the transaction by the user, a digitally signed authorization request is

sent from the user and received by the merchant (Col. 13, Lines 40-45). This reads on

forwarding and receiving the sent authorization token and context information from the

consumer to the merchant and receiving the token at the merchant. Daly discloses

completion of the purchase by authorizing a withdrawal from the subscriber account and

a deposit into the merchant account (Cols. 13-14, Lines 65-3). This reads on the claimed

sending and receiving a capture request and authorization token, which includes the

context information at stated above, from the merchant to the bank in response to the

received authorization token. The method of Daly discloses the withdrawal of funds

based on the acceptance of a transfer as stated above. This reads on the claimed receiving

the capture request and authorization token and charging the consumer's account for the

purchase.

Regarding Claim 41, Daly discloses a method as stated above that performs an

authorization check prior to a purchase. Upon completion of the authorization check, the

user is presented with a final opportunity to buy or cancel the purchase. On this screen,

context information is included as shown in Figure 5. Therefore, this information must be

included as part of the authorization token sent to the user.

Regarding Claim 42, Daly discloses a method as stated above with means for

invoking a "wallet" for selecting different forms of payment available to a user (Col. 8,

Lines 13-20) upon receipt of a payment initiation message. The wallet initiation message

is augmented with TV context information as shown in Figure 5. Means for logging into

the wallet are provided (Col. 8, Lines 62-67) to create log-on data. The log-on data is subsequently used in the payment message forwarded to the bank (Col. 9, Lines 5-7).

Regarding Claim 44, Daly in view of Bezos discloses a method as stated above in Claim 39. Further, Bezos discloses a means for using the included content information to allocate a portion of a payment represented to one or more vendors (Col. 13, Lines 1-8). In this embodiment, the vendors are content providers or websites that provide links to various merchants' goods. It would have been obvious to one skilled in the art at the time the invention was made to further modify the invention of Daly in view of Bezos to do the same for TV program content as is done with web content in order to enhance TV advertisement with commission-based vendor links.

Regarding Claim 45, Bezos discloses a method as stated above in Claim 44 wherein the program uses the included context information for extracting the identification of the content originators (Col. 12, Lines 52-63) and allocating a predetermined percentage of the payment to the content originators (Col. 13, Lines 1-8).

Regarding Claim 46, as best understood by the Examiner, Bezos discloses a method wherein included context information is sent to the content originators (Col. 16, Lines 11-19 and Appendix B) from the merchant site. Additionally, the bank receiving the vendor's funds will receive among other things, the name and account information of the purchaser, which are elements of the context information. It is inherent in such a method that this information will be sent to the content originators in the form of a statement or payment notification.

Regarding Claim 47, Daly discloses a method as stated above in Claim 40 wherein shared-key digital certificates are used to authenticate consumer transactions by signing payment messages and verifying these signed messages (Col. 16, Lines 21-32).

Regarding Claim 49, Daly in view of Bezos discloses a method as stated above in Claim 39. Daly discloses sending a purchase request for a consumer purchase to a computer in the interactive environment (Col. 7, Lines 1-46). Further, the transaction-processing unit receives the request. Bezos discloses forwarding a purchase request from the receiving computer (Associate Web Site) to a merchant connected to the interactive environment (See Figure 1). Bezos further discloses a method wherein a payment initiation message (See Figure 8) is sent for the purchase request as stated above. The consumer receives the payment initiation message that is augmented with the embedded context information (See Figure 8). The payment message is returned to the merchant when the user decides to purchase the product (See Figure 9). Daly further discloses forwarding the payment message from the merchant to a bank in order to check available account balances (Col. 13, Lines 21-34). The consumer's account is charged (Cols. 13-14, Lines 66-3) based on their acceptance of the payment message (Col. 13, Lines 39-45) and the merchant's account is credited.

Regarding Claim 50, Daly discloses a method as stated above that implements means for invoking a "wallet" for selecting different forms of payment available to a user (Col. 8, Lines 13-20) upon receipt of a payment initiation message. The wallet initiation message is augmented with TV context information as show in Figure 5. Means for logging into the wallet are provided (Col. 8, Lines 62-67) to create log-on data. The log-

on data is subsequently used in the payment message forwarded to the merchant (Col. 12, Lines 12-27).

Regarding Claim 51, Daly discloses a method wherein the payment initiation message sent to the consumer from the merchant is digitally signed using a digital certificate that is verified by the customer (Col. 14, Lines 10-25).

Regarding Claim 52, Daly in view of Bezos discloses a method as stated above in Claim 49. Further, Bezos discloses a means for using the included content information to allocate a portion of a payment represented to one or more vendors (Col. 13, Lines 1-8). In this embodiment, the vendors are content providers or websites that provide links to various merchants' goods. It would have been obvious to one skilled in the art at the time the invention was made to further modify the invention of Daly in view of Bezos to do the same for TV program content as is done with web content in order to enhance TV advertisement with commission-based vendor links.

Regarding Claim 53, Bezos discloses a method as stated above in Claim 52 wherein the included context information is used for extracting the identification of the content originators (Col. 12, Lines 52-63) and allocating a predetermined percentage of the payment to the content originators (Col. 13, Lines 1-8).

Regarding Claim 54, Bezos discloses a method wherein included context information is sent to the content originators (Col. 16, Lines 11-19 and Appendix B) from the merchant site. Additionally, the bank receiving the vendor's funds will receive among other things, the name and account information of the purchaser, which are elements of

the context information. It is inherent in such a system that this information will be sent

to the content originators in the form of a statement or payment notification.

Regarding Claim 55, Daly discloses a method as stated above in Claim 49

wherein shared-key digital certificates are used to authenticate consumer transactions by

signing payment messages and verifying these signed messages (Col. 16, Lines 21-32).

Regarding Claim 57, Daly in view of Bezos discloses a method as stated above in

Claim 39 with means for initiating a payment transaction by the consumer, gathering

context information, and including the gathered TV context in a payment transaction

message (See Daly Figure 5 and Bezos Figure 9).

6.   Claims 5, 10, 18, 24, 29, 37, 43, 48, and 56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Daly et al. in view of Bezos et al. and further in view of U.S. Patent No.

6,000,832 to Franklin et al.

Regarding Claim 5, Daly in view of Bezos discloses a system as stated above in

Claims 1 and 2. Daly discloses a system wherein digital certificates are used to sign

communication between the head end and the user (Col. 14, Lines 10-26). What Daly

does not disclose, however, is the use of a digital certificate to sign a payment initiation

message from the merchant and an authorization token from the bank. Franklin discloses

an online commerce system wherein a shared-key certificate system is used to digitally

sign and verify payment initiation and authorization messages to and from the bank

(Cols. 5-6, Lines 59-22). This reads on the claimed computer-readable code for verifying

digitally signed payment initiation and authorization messages of the merchant and the

issuing bank. Franklin is evidence that ordinary workers in the art would recognize the

benefit of using digital signatures for secure transactions between a merchant computer

and a bank system. Therefore, it would have been obvious to one having ordinary skill in

the art at the time the invention was made to combine the electronic commerce system of

Daly in view of Bezos with the digitally signed communication of Franklin in order to

implement secure and private communications over a public network in the case where a

direct and secure connection is not available.

Regarding Claims 10 and 18, Daly in view of Bezos discloses a product as stated

above in Claims 2 and 11. Daly further discloses the use of a shared key known to the

consumer to authenticate the consumer to the head end (Col. 16, Lines 21-32). What is

not disclosed, however, is the use of a shared key by the bank to authenticate the

consumer. Franklin discloses an online commerce system wherein the bank uses a

shared-key certificate system to verify the authorization of a customer (Cols. 5-6, Lines

59-22). Franklin is evidence that ordinary workers in the art would recognize the benefit

of using a shared-key certificate system to protect data being sent between a consumer

and a bank in an online commerce system. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to combine the

electronic commerce system of Daly in view of Bezos with the shared keys known to the

consumer and the issuing bank of Franklin in order to implement authentication on a

secure and private communication over a public network.

Regarding Claim 24, Daly in view of Bezos discloses a system as stated above in

Claims 20 and 21. Daly discloses a system wherein digital certificates are used to sign

communication between the head end and the user (Col. 14, Lines 10-26). What Daly

does not disclose, however, is the use of a digital certificate to sign a payment initiation

message from the merchant and an authorization token from the bank. Franklin discloses

an online commerce system wherein a shared-key certificate system is used to digitally

sign and verify payment initiation and authorization messages to and from the bank

(Cols. 5-6, Lines 59-22). This reads on the claimed means for verifying digitally signed

payment initiation and authorization messages of the merchant and the issuing bank.

Franklin is evidence that ordinary workers in the art would recognize the benefit of using

digital signatures for secure transactions between a merchant computer and a bank

system. Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the electronic commerce system of Daly in

view of Bezos with the digitally signed communication of Franklin in order to implement

secure and private communications over a public network in the case where a direct and

secure connection is not available.

Regarding Claims 29 and 37, Daly in view of Bezos discloses a system as stated

above in Claims 21 and 30. Daly further discloses the use of a shared key known to the

consumer to authenticate the consumer to the head end (Col. 16, Lines 21-32). What is

not disclosed, however, is the use of a shared key by the bank to authenticate the

consumer. Franklin discloses an online commerce system wherein the bank uses a

shared-key certificate system to verify the authorization of a customer (Cols. 5-6, Lines

59-22). Franklin is evidence that ordinary workers in the art would recognize the benefit

of using a shared-key certificate system to protect data being sent between a consumer

and a bank in an online commerce system. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to combine the

electronic commerce system of Daly in view of Bezos with the shared keys known to the

consumer and the issuing bank of Franklin in order to implement authentication on a

secure and private communication over a public network.

Regarding Claim 43, Daly in view of Bezos discloses a method as stated above in

Claims 39 and 40. Daly discloses a method wherein digital certificates are used to sign

communication between the head end and the user (Col. 14, Lines 10-26). What Daly

does not disclose, however, is the use of a digital certificate to sign a payment initiation

message from the merchant and an authorization token from the bank. Franklin discloses

an online commerce method wherein a shared-public-key certificate system is used to

digitally sign and verify payment initiation and authorization messages to and from the

bank (Cols. 5-6, Lines 59-22). This reads on the claimed verifying digitally signed

payment initiation and authorization messages of the merchant and the issuing bank.

Franklin is evidence that ordinary workers in the art would recognize the benefit of using

digital signatures for secure transactions between a merchant computer and a bank

system. Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the electronic commerce method of Daly in

view of Bezos with the digitally signed communication of Franklin in order to implement

secure and private communications over a public network in the case where a direct and

secure connection is not available.

Regarding Claims 48 and 56, Daly in view of Bezos discloses a method as stated above in Claims 40 and 49. Daly further discloses the use of a shared key known to the consumer to authenticate the consumer to the head end (Col. 16, Lines 21-32). What is not disclosed, however, is the use of a shared key by the bank to authenticate the consumer. Franklin discloses an online commerce method wherein the bank uses a shared-key certificate system to verify the authorization of a customer (Cols. 5-6, Lines 59-22). Franklin is evidence that ordinary workers in the art would recognize the benefit of using a shared-key certificate system to protect data being sent between a consumer and a bank in an online commerce method. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the electronic commerce method of Daly in view of Bezos with the shared keys known to the consumer and the issuing bank of Franklin in order to implement authentication on a secure and private communication over a public network.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   U.S. Patent No. 6,366,893 to Hannula et al. discloses an electronic payment system over a telecommunication system with a service gateway.

b.   U.S. Patent No. 5,880,720 to Iwafune et al. discloses an interactive television system with online shopping and television program identification information.

c.   U.S. Patent No. 6,449,599 to Payne et al. discloses a networked-based sales

system with a merchat computer, product identifiers and cryptographic keys.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155.

The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the

organization where this application or proceeding is assigned are (703 308-5359 for regular

communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 306-0377.

mrd
February 10, 2003

Kimberly A. Williams
Primary Examiner
Technology Center 2600